

Appl. No. 09/833,944

Amdt. Dated March 7, 2006

Reply to Office action of December 13, 2005

REMARKS

Reexamination and reconsideration in view of the foregoing amendments and following remarks is respectfully solicited.

Claims 10-27 are pending in this application, with Claims 10 and 18 being the independent claims. Claims 10 and 18 have been amended herein. No new matter is believed to have been added.

Claim Objections

Claims 10 and 18 were objected to because each included the word "such" in it. The Office action cites MPEP 2173.05(d) as providing support for this objection. It is noted, however, that this section indicates that the phrase "such as" can, in many instances, render a claim indefinite, and not just the word "such" by itself. In the instant application, the phrase "such that" was used, and not the phrase "such as."

Nonetheless, in the interest of expediting prosecution, Applicant has amended Claims 10 and 18 to recite "whereby" rather than "such that."

In view of the foregoing, reconsideration and withdrawal of the claim objections is requested.

Rejections Under 35 U.S.C. § 102

Claims 10-18 and 23-27 were rejected under 35 U.S.C. § 102 as allegedly being anticipated by U.S. Patent No. 6,262,741 (Davies). This rejection is respectfully traversed.

Claims 10-17

Independent Claim 10, which relates to a dynamic layering mode of displaying a plurality of data categories, recites, *inter alia*, "a processor that is configured to control said display to present said first visual representation of said first data category superimposed over said second visual representation of said second data category whereby the first visual representation masks said second visual representation in a first common region of said first visual representation and said second visual representation,

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said processor further configured to receive data representative of a predefined event and, upon receipt thereof, to superimpose said second visual representation of said second data category over said first visual representation of said first data category whereby the second visual representation masks said first visual representation in said first common region."

Davies relates to a system and method for displaying, on a display device, a topology having topological features. The topological region is divided into tessellations (or mosaics). An object-based database, which includes geometrical objects representing the topological features with each geometrical object associated with a particular tessellation, is accessed. The geometrical objects are one of a polygon object, a polyline object, and a point object representing the topological features. When a tessellation is selected to be displayed, the geometrical objects associated with the tessellations to be displayed, are fetched from the database and drawn on the display.

Applicant submits that Davies fails to disclose, or even remotely suggest, a processor that is configured to control said display to present said first visual representation of said first data category superimposed over said second visual representation of said second data category whereby the first visual representation masks said second visual representation in a first common region of said first visual representation and said second visual representation, said processor further configured to receive data representative of a predefined event and, upon receipt thereof, to superimpose said second visual representation of said second data category over said first visual representation of said first data category whereby the second visual representation masks said first visual representation in said first common region.

Hence, it is respectfully submitted that independent Claim 10 and the claims that depend therefrom (i.e., Claims 11-17) are not anticipated by Davies. Accordingly, the Examiner is respectfully requested to withdraw the rejections of Claims 10-17 under 35 U.S.C. § 102.

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#### Claims 18-27

Independent Claim 18, which relates to a color prioritization mode of displaying a plurality of data categories, has been cosmetically amended to even more clearly define the inventive features. Specifically, Claim 18 recites, *inter alia*: wherein: said first color corresponds to a first priority, said second color corresponds to a second priority, a first color difference between said first color and a background color of said display is greater than about seventy-five, and a second color difference between said second color and said background color is less than about seventy-five.

Although the Office action alleges that the above-noted features are disclosed in Davies, Applicant has thoroughly reviewed Davies and cannot find these features disclosed or even remotely suggested therein.

Hence, it is respectfully submitted that independent Claim 18 and the claims that depend therefrom (i.e., Claims 19-27) are not anticipated by Davies.

Accordingly, the Examiner is respectfully requested to withdraw the rejections of claims 18-27 under 35 U.S.C. § 102.

#### Conclusion

Based on the above, independent Claims 10 and 18 are patentable over the citations of record. The dependent claims are also submitted to be patentable for the reasons given above with respect to the independent claims and because each recite features which are patentable in its own right. Individual consideration of the dependent claims is respectfully solicited.

The other art of record is also not understood to disclose or suggest the inventive concept of the present invention as defined by the claims.

Hence, Applicant submits that the present application is in condition for allowance. Favorable reconsideration and withdrawal of the objections and rejections set forth in the above-noted Office Action, and an early Notice of Allowance are requested.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

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If for some reason Applicant has not paid a sufficient fee for this response, please consider this as authorization to charge Ingrassia, Fisher & Lorenz, Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,

INGRASSIA FISHER & LORENZ

Dated: 3/7/06

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